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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,132	04/03/2001	Mark M. Stephenson	00479.00001	8931
22907 7590 03/07/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER BHATIA, AJAY M	
			ART UNIT 2145	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/824,132

Applicant(s)

STEPHENSON ET AL.

Examiner

Ajay M. Bhatia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-60 is/are pending in the application.
- 4a) Of the above claim(s) 1-2, 4-13, 15, 19-22, 24, 26-32, 34-38, 45-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

Applicant has elected group II, claims 55-60 without traversal. Please note that prior to allowance non-elected claim must be cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alden et al. (U.S. Patent 6,101,543) in view of Erickson et al. (U.S. Patent 6,412,009).

For claim 55, Alden teaches, a method of communicating between computers, comprising the steps of:

(1) transmitting from a first computer to an intermediate server computer a first message through a firewall port that is to Internet traffic, wherein the first message requests establishment of a connection between the first computer and the intermediate server computer over a first return path; (Alden, Col. 6 lines 47-67, tunnel, firewall)

(2) receiving from the intermediate server computer a response including a connection identifier corresponding to the first return path; (Alden, Col. 6 lines 47-67, tunnel)

(4) exchanging encryption keys between the first computer and the intermediate server computer; (Alden, Col. 8 lines 45-67, keys)

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(5) repeating steps (1) through (4) between a second computer and the intermediate server computer, thereby creating a second return path between the second computer and the intermediate server computer; (Alden, Col. 6 lines 47-67, tunnel)

(6) transmitting encrypted information from the first computer to the intermediate server computer using further messages over the first return path; (Alden, Col. 8 lines 45-67, keys)

and (7) transmitting the encrypted information from the intermediate server over the second return path. (Alden, Col. 8 lines 45-67, keys)

Alden fail to teach, normally open, HTTP POST, (3) periodically transmitting from the intermediate server computer to the first computer a "keep alive" message if no further messages are received from the first computer within a period of time;

Erickson teaches, normally open , HTTP POST (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http Post), (3) periodically transmitting from the intermediate server computer to the first computer a "keep alive" message if no further messages are received from the first computer within a period of time; (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

Alden and Erickson are both in the field of tunnels

Alden and Erickson are compatible because Alden allows for a connection thru firewalls (Alden, Col. 6 lines 46-56)

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Alden with Erickson in order to overcome prior issue with use of web client access to network within firewall allowing a connection. (Erickson Col. 2 lines 26-64 and Col. 4 lines 10-22)

For claim 56, Alden- Erickson teaches, the method of claim 55, further comprising the steps of, in the intermediate server computer, decrypting encrypted information received from the first computer using encryption keys shared between the first computer and the intermediate computer, and then re-encrypting the received information using encryption keys shared between the intermediate computer and the second computer. (Alden, Col. 8 lines 45-67. keys) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 56.

For claim 57, Alden- Erickson teaches, a method of communicating between a first computer protected by a first firewall and a second computer protected by a different second firewall, comprising the steps of:

(1) at a third computer situated between the first firewall and the different second firewall, receiving a first HTTP message from the first computer through a port in the first firewall that is configured to be open to outgoing HTTP traffic and open to incoming HTTP traffic that is responsive to and linked to outgoing HTTP traffic; (Alden, Col. 6 lines 46-56, tunnel) and (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

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(2) from the third computer, sending a first response message to the first computer through the port in the first firewall, thereby establishing a first receive channel through the first firewall, wherein the first response message is linked to the first HTTP message; (Alden, Col. 6 lines 46-56, tunnel) (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(3) at the third computer, receiving a second HTTP message from the second computer through a port in the different second firewall that is configured to be open to outgoing HTTP traffic and open to incoming HTTP traffic that is responsive to and linked to outgoing HTTP traffic; (Alden, Col. 6 lines 46-56, tunnel) (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(4) from the third computer, sending a second response message to the second computer through the port in the different second firewall, thereby establishing a second receive channel through the second firewall, wherein the second response message is linked to the second HTTP message; (Alden, Col. 6 lines 46-56, tunnel) (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(5) at the third computer, receiving a third encrypted HTTP message from the first computer through the port in the first firewall; (Alden, Col. 6 lines 46-56, tunnel) (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

determining that the third encrypted HTTP message is intended to be delivered to the second computer, and transmitting to the second computer the third encrypted HTTP message, wherein the third encrypted HTTP message is transmitted over the second receive channel to the

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second computer; (Alden, Col. 6 lines 46-56, tunnel) (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

and (6) from the third computer, periodically transmitting "keep alive" messages to the first and second computers to avoid a time-out condition. (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 57.

For claim 58, Alden- Erickson teaches, the method of claim 57, wherein step (5) is performed at the third computer by transmitting the third encrypted HTTP message to the second computer without decrypting contents of the third encrypted HTTP message. (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 58.

For claim 59, Alden- Erickson teaches, the method of claim 55, wherein at least one of the HTTP POST messages transmitted during step (6) comprises an identifier of said second computer encrypted with a first encryption key associated with the intermediate server, and wherein said encrypted information is encrypted with a second different encryption key associated with the second computer. (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http Post) and (Alden, Col. 8 lines 45-67, keys) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 59.

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For claim 60, Alden teaches, the method of claim 57, wherein the third encrypted HTTP message comprises:

an encrypted identifier of the second computer, the identifier encrypted with a first encryption key associated with the third computer, and encrypted content for delivery to the second computer, the content encrypted with a different second encryption key associated with the second computer. (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http) and (Alden Col. 8 lines 45-67, keys) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 60.

Conclusion

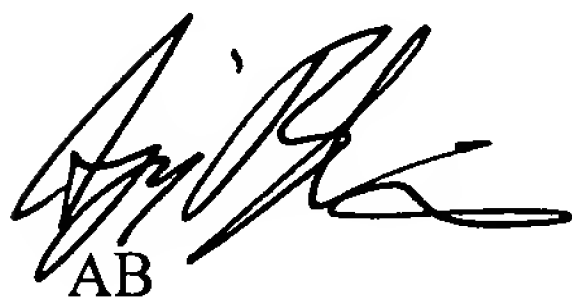
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

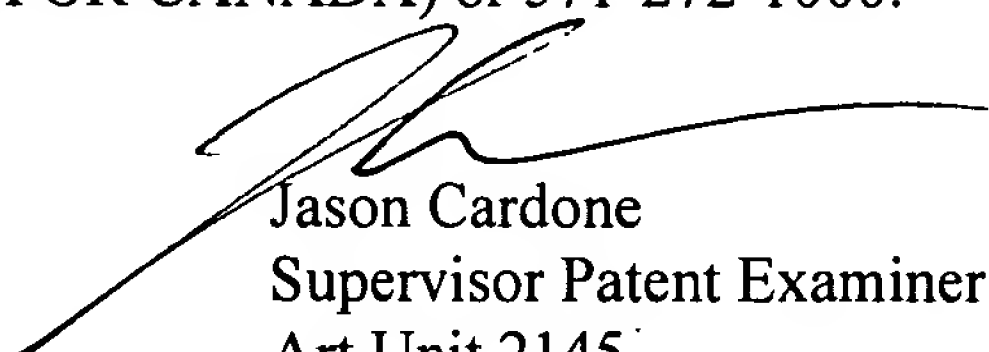
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AB



Jason Cardone
Supervisor Patent Examiner
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